

REMARKS

Claims 1-11, 15-26, 30-31, and 34-41 are pending. Claims 12-15, 27-30, 32-33, 42-43 and 45 have been cancelled without prejudice or disclaimer of the subject matter contained therein. Claims 46-49 are newly added.

Claim 45 was rejected under 35 U.S.C. 112, second paragraph as being indefinite. Claim 45 is cancelled thereby rendering this rejection moot.

Claims 1-11, 15-26, 30-1, 34-41 and 44 stand variously rejected under 35 U.S.C. §103(a) as being unpatentable based upon US Patent No. 7,262,650 issued to Chow et al. in view of US Patent No. 6,704,580 issued to Halderman. Applicants respectfully traverse.

While the Applicants continue to disagree with the examiner's assertions as to the Halderman reference, in order to expedite prosecution of this application, the independent claims have been amended to claim a method for locating the coronary sinus or a coronary sinus branch vein. Exemplary support for the claim limitations can be found in paragraph [0047] and FIG. 10C of the present application. Independent claim 1 now provides "advancing a delivery device having a steerable portion and a deflectable tip having a tapered portion to an area downstream from the coronary sinus, the coronary sinus downstream from the target site; further advancing the delivery device within the area and toward the coronary sinus; delivering a contrast medium from a distal end of the delivery device within the area to locate the coronary sinus by observing the direction of the flow of the delivered contrast medium in the area away from the coronary sinus; and further advancing the delivery device upstream through the direction of the flow of the contrast medium into the coronary sinus."

The cited prior art does not teach or suggest all of the limitations in the independent claims. For example, Chow is primarily directed to the use of ultrasound instead of fluoroscopy to guide a catheter from the right atrium to the coronary sinus. The Chow catheter includes one or more ultrasound sensors 106 proximal to the distal end 104 of the catheter 100. Chow teaches away from the use of the contrast media. While Chow discusses the use of fluoroscopy in

order to make the catheter tip visible, Chow asserts his method is better than fluoroscopy. See Chow, col. 5 lines 1-8. Chow states that using the wall motion to detect the movement of the catheter's distal end reduces a patient's exposure to x-ray radiation.

Additionally, the United States Patent & Trademark Office (USPTO) concedes at page 3 of the final Office Action that Chow fails to teach or suggest "advancing the delivery device upstream through the direction of the contrast medium into the coronary sinus" as in claim 1. The USPTO instead relies upon Haldeman for teaching this limitation.

Hadelman is directed to the use of a Doppler sensor 102 to guide a catheter 100 from the turbulent flow found in the right atrium to the laminar flow found in the coronary sinus. See, for example, Hadelman, col. 9, lines 53-65. Nowhere in Hadelman does it disclose, teach or suggest "delivering a contrast medium from a distal end of the delivery device within the area to locate the coronary sinus by observing the direction of the flow of the delivered contrast medium in the area away from the coronary sinus; and further advancing the delivery device upstream through the direction of the flow of the contrast medium into the coronary sinus." For at least these reasons, the independent claims are non-obvious based upon the cited art.

Claims 46-49 are newly added and are based upon, for example, paragraph [0049], FIG. 10C, and FIGs. 10A-10I of the present application.

Applicant asserts that the remarks presented herein are fully responsive to the Office Action and are sufficient to overcome the rejections presented in the Office Action. However, there may be other arguments to be made as to why the pending claims are patentable. Applicant does not concede any such arguments by having not presented them herein. Further, Applicant reserves the right to re-present any originally filed, cancelled, and/or previously unclaimed subject matter in a subsequently filed continuing application without prejudice or disclaimer. Applicant respectfully asserts that the present claims are in condition for allowance. Withdrawal of the instant rejections and issuance of a Notice of Allowance is respectfully requested.

Should any issues remain outstanding, the Examiner is urged to telephone the undersigned to expedite prosecution. The Commissioner is authorized to charge any deficiencies and credit any overpayments to Deposit Account No. 13-2546.

Respectfully submitted,

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